FARAD CONTINUATION SHEET NO.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6723 OF 2005

| Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders. | Court's or Judge's orders. |
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Mr. R.K. Bharura for the petitioner.

**CORAM : R.S. MOHITE,J.**
**DATED : 22.11.2005.**

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**P.C.**

1. This petition challenges an order passed by the 4th Labour Court, Mumbai in Reference No.543 of 1999 rejecting an application for deciding preliminary issue relating to the jurisdiction. It is noticed from the impugned order that the reference was made in 1999. The petitioner has not filed written statement till 2002 and issues therefore, could not be framed. The Presiding Officer has observed that the the dispute was considered by the Arbitrator and on the question of his findings are binding on the parties,

the parties are required to lead evidence. He has therefore, held that all the issues will be tried at the same time as the matter is old one. It has been also held that piecemeal decision should be avoided, if possible. In the circumstances, I am not inclined to entertain this petition. Hence, petition is dismissed.

**(R. S. MOHITE, J.)**